

REMARKS

In the Office Action, claims 10, 16, 17 and 20 were objected to because of informalities. Claims 10-20 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Guirao et al U.S. Publication No. 2002/0140902 ("Guirao").

In this response, claims 10, 16, 17 and 20 have been amended. New claim 21 has been added. Claim 18 has been cancelled. Upon entry of the amendments, claims 10-21 will be pending.

Reconsideration of the application in view of the following remarks is respectfully requested.

Objections to claims 10, 16, 17 and 20:

Claims 10, 16, 17 and 20 were objected to because of informalities.

Claims 10 and 17 have been amended to clarify the preamble and to draw the preamble into the context. The word "determining" has been deleted and replaced with "compensating." Support for the amendment is found, for example, in paragraphs [0020], [0021] and [0023].

Claim 16 has been amended to delete "treatment." Claim 20 has been amended to shift dependency to claim 19.

Withdrawal to the objections to claims 10, 16, 17 and 20 is respectfully requested.

Rejections to claims 10-20 under 35 U.S.C. § 102 (b)

Claims 10-20 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Guirao.

Guirao describes an objective measurement of higher-order aberrations of the eye which provide an accurate estimate for subjective refraction. *See* Guirao, paragraph [0016]. According to Guirao, a subject is shown a Snellen eye chart, which is imaged through a beamsplitter, a conjugate lens system, another beamsplitter, and optionally a removable sphere-cylindrical correction system onto the retina of a subject's eye. *See* Guirao, paragraph [0120]. Light from a laser diode is directed through the beamsplitter onto the retina of the subject's eye. *See* Guirao, paragraph [0120]. Light

from the laser diode and reflected from the retina passes through the beamsplitter into a Shack-Hartmann sensor, which includes a lenticular array and a CCD or other photodetector array. *See* Guirao, paragraph [0120]. The Shack-Hartmann sensor produces an output which is directed to a computer. *See* Guirao, paragraph [0120]. The computer outputs an optimized wave aberration and required refractive correction, which can be supplied to a lens fabrication, surgical correction, adaptive optics, or image simulation system. *See* Guirao, paragraph [0120].

Independent claim 10 has been amended to recite a device for compensating an ametropia of an optical system comprising a light source emitting a beam of light; a controllable optical element having a plurality of optical properties receiving at least a first portion of the beam and being automatically adjustable to permit modification of at least one of a plurality of optical properties; and a measurement and control unit receiving at least a second portion of the beam and operatively connected to the controllable optical element and forming a closed-loop control circuit with the controllable optical element, the measurement and control system automatically adjusting the controllable optical element so as to compensate the ametropia of the optical system. Support for the amendment is found, for example, in paragraphs [0006], [0013], [0020], and [0023].

Applicants respectfully submit that Guirao does not teach at least these features. Instead, Guirao describes a system wherein an aberration is measured and a respective required refractive correction is computed. The refractive correction is then to be supplied to a lens fabrication or surgical correction system. Any adjusting with respect to an ametropia would be a result of a surgical correction or a manufactured lens given the refractive correction data. *See* Guirao, paragraph [0120]. Therefore, Guirao does not teach a control unit forming a closed-loop circuit with the that the controllable optical element that is receiving a beam of light and automatically adjusting that same optical element.

Independent claim 17 has also been amended to recite a method for compensating an ametropia of an optical system comprising emitting light from a light source; passing at least a first portion of the light through a controllable optical element, the controllable optical element being automatically adjustable to permit modification of at least one of a plurality of optical properties of

the controllable optical element; receiving at least a second portion of the light using a measurement and control unit, the measurement and control unit being operatively connected to the controllable optical element so as to form a closed-loop system; compensating the ametropia by adjusting the controllable optical element using the measurement and control unit. Support for the amendment is found, for example, in paragraphs [0006], [0013], [0020], and [0023].

Applicants respectfully submit that Guirao does not describe at least the step of compensating the ametropia by adjusting a controllable optical element receiving light using a measurement and control unit that is also receiving light and in an operative closed-loop circuit with the controllable optical element. Instead, because Guirao describes a system for computing a required refractive correction to be supplied to a lens fabrication or surgical correction system.

Because Guirao does not teach the features as recited above, applicants respectfully request withdrawal of the rejections to claims 10-20 under 35 U.S.C. § 102 (b).

New Claim 21

New claim 21 has been added which recites the feature deleted from claim 1 and is generally analogous to claim 19.

Application No. 10/562,501
Amendment dated August 24, 2009
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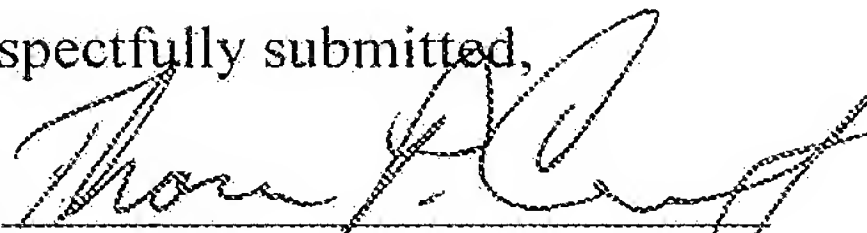
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In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Commissioner is hereby authorized to charge any unpaid fees deemed required in connection with this submission, including any additional filing or application processing fees required under 37 C.F.R. §1.16 or 1.17, or to credit any overpayment, to Deposit Account No. 04-0100.

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Respectfully submitted,

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